53. (New) The method of claim 50, wherein the chimeric anti-CD4 antibody comprises a heavy chain having the gamma 4 (PE) heavy chain polypeptide sequence in SEQ ID NO:11.

54. (New) The method of claim 50, wherein the chimeric anti-CD4 antibody comprises a light chain having the lambda light chain polypeptide sequence in SEQ ID NO:5.

II. REMARKS

Preliminary Remarks

Claims 37-40 and 42-48 are amended, and new claims 49-54 are added. Claims 37-40, 42-44, and 46-48 are amended to be directed to a method of treating a patient having a disease, condition or disorder characterized by an increased number of CD4 positive lymphocytes, and claims 42-44 are amended to refer to constant and variable regions rather than "domains," so that there is consistency in the language of the independent and dependent claims. Claims 37, 42, and 43 are further amended to more clearly specify that the chimeric anti-CD4 antibody comprises heavy and light chain variable regions of an Old World Monkey antibody and human antibody constant regions. Claim 44 is amended to specify the positions of the E and PE mutations by reference to Kabat numbering, as described on page 26, lines 21-25. These amendments are believed to result in more precise identification of the claimed invention.

Claim 45 is amended to identify the chimeric anti-CD4 antibody in terms of its polypeptide sequence. Amended claims 38, 39, 47 and 48 and new claim 49 are directed to a method of treating a patient having an autoimmune, chronic inflammatory, or non-autoimmune disease, condition or disorder selected from the sets of such diseases, conditions, and disorders disclosed in the specification (*e.g.*, on pages 19-20). New claims 50-54 are directed to the method wherein the chimeric anti-CD4 antibody comprises a light or heavy chain having one of the disclosed polypeptide sequences described in the application. The amended and new claims remain directed to the same classes or genera of disease and antibody type as did the claims prior to this amendment.

Patentability Remarks:

35 U.S.C. § 112, Second Paragraph.

Claim 39 was rejected under 35 U.S.C. § 112, second paragraph, because the term "non-autoimmune" allegedly made the claim indefinite. Claims 38 and 39 are amended to be directed to a method of treating a patient having a disease, condition or disorder that is selected from the set of non-autoimmune diseases, conditions and disorders described in the specification, for example, on page 20. Withdrawal of the rejection is respectfully requested.

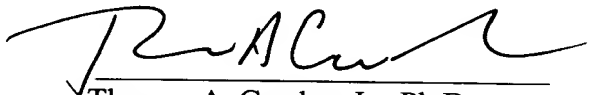
Non-Statutory Obviousness-Type Double Patenting.

Claims 37 and 47 were rejected based on non-statutory obviousness-type double patenting as allegedly unpatentable over claim 1 of U.S. Patent No. 5,756,096 to Newman et al., which issued from Application No. 08/379,072, for which priority is also claimed by the present application. A terminal disclaimer over Application No. 08/379,072 was filed on July 11, 2003, with the reply to the final office action; in view of which the applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

Conclusion

All rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. If any points remain in issue, which the examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,
PILLSBURY WINTHROP LLP



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